

# **State of Illinois 91st General Assembly Final Senate Journal**

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**SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIRST GENERAL ASSEMBLY**

**109TH LEGISLATIVE DAY**

**WEDNESDAY, NOVEMBER 29, 2000**

**12:00 O'CLOCK NOON**

No. 109

[Nov. 29, 2000]

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The Senate met pursuant to adjournment.  
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
Prayer by Pastor Glenn Livingston, New Dimensions Christian  
Center, Decatur, Illinois.  
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, November 28, 2000, was being read when on  
motion of Senator Myers further reading of same was dispensed with  
and unless some Senator had corrections to offer, the Journal would  
stand approved. No corrections being offered, the Journal was  
ordered to stand approved.

**REPORT RECEIVED**

The Secretary placed before the Senate the following report:

The 2000 Annual Report submitted by The Institute for Public Affairs, University of Illinois at Springfield.

The foregoing report was ordered received and placed on file in the Secretary's Office.

#### REPORTS FROM STANDING COMMITTEES

Senator Cronin, Chairperson of the Committee on Education, to which was referred **Senate floor Amendment No. 1 to Senate Joint Resolution No. 74**, reported that the amendment has been tabled in Committee by the Sponsor.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **House Bill No. 2970** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **House Bill No. 50** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy, to which was referred **Senate Resolution No. 436** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution 436** was placed on the Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 851 and 3615** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred **Senate Resolution No. 214** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Resolution 214** was placed on the Secretary's Desk.

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Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to House Bill No. 3612**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **House Bills numbered 1511 and 3841** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **House Bill No. 1991** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

#### MOTIONS IN WRITING

Senator Philip submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 861** in manner and form as follows:

##### AMENDMENT TO HOUSE BILL 861

##### IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 861 on page 4, by replacing line 9 with the following:

"(a)(1), ~~or~~ (a)(2) or (a)(6) is a Class X felony. A violation of".

Date: November 28, 2000

James "Pate" Philip  
Senator

Senator O'Malley submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 3838** in manner and form as follows:

##### AMENDMENT TO HOUSE BILL 3838

##### IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 3838 on page 23 by replacing lines 29 through 31 with the following:

"or who has failed to maintain one or more shares"; and  
on page 24 by replacing lines 28 through 30 with the following:  
"may be denied any or all credit union services in".

Date: November 16, 2000

Patrick J. O'Malley  
Senator

The foregoing Motions in Writing were filed with the Secretary and placed on the Senate Calendar.

At the hour of 12:25 o'clock p.m., Senator Watson presiding.

#### CHANGE IN SPONSORSHIP

Senator Philip asked and obtained unanimous consent to have Senator Dudycz as Chief sponsor of **Senate Bill No. 851**, replacing

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Senator Maitland.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

**HOUSE BILL NO. 4738**

A bill for AN ACT concerning taxes.

Passed the House, November 28, 2000.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bill No. 4738** was taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

**SENATE BILL NO 1899**

A bill for AN ACT concerning electric utility taxes.

Passed the House, November 28, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

**HOUSE BILL 3617**

A bill for AN ACT in relation to county government.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3617.

Concurred in by the House, November 29, 2000.

ANTHONY D. ROSSI, Clerk of the House

**INTRODUCTION OF A BILL**

**SENATE BILL NO. 1978.** Introduced by Senator Trotter, a bill for

AN ACT in relation to appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

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#### **JOINT ACTION MOTION FILED**

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 2 to Senate Bill 851

#### **LEGISLATIVE MEASURES FILED**

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 1511

Senate Amendment No. 3 to House Bill 3619

The following floor amendments to the Resolutions listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to Senate Joint Resolution No. 74

Senate Amendment No. 1 to House Joint Resolution No. 19

#### **PRESENTATION OF RESOLUTIONS**

##### **SENATE RESOLUTION NO. 453**

Offered by Senator Lauzen and all Senators:

Mourns the death of Christian H. "Bud" Solfisburg, III of Aurora.

##### **SENATE RESOLUTION NO. 454**

Offered by Senator Noland and all Senators:

Mourns the death of Howard J. Burns of Moweaqua.

##### **SENATE RESOLUTION NO. 455**

Offered by Senator Noland and all Senators:

Mourns the death of Edsel W. "Ed" Tieman.

##### **SENATE RESOLUTION NO. 456**

Offered by Senator Noland and all Senators:

Mourns the death of George Moll of Herrick.

##### **SENATE RESOLUTION NO. 457**

Offered by Senator Noland and all Senators:  
Mourns the death of Richard Kepp of Neoga.

The foregoing resolutions were referred to the Resolutions  
Consent Calendar.

**MESSAGE FROM THE GOVERNOR**

Message for the Governor by Charles Woodward  
Director, Legislative Affairs

November 29, 2000

Mr. President,

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The Governor directs me to lay before the Senate the following  
Message:

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To the Honorable  
Members of the Senate  
Ninety-First General Assembly

I have nominated and appointed the following named persons to the  
offices enumerated below and respectfully ask concurrence in and  
confirmation of these appointments of your Honorable body.

AFFORDABLE HOUSING ADVISORY COMMISSION

To be members of the Affordable Housing Advisory  
Commission for terms ending October 1, 2000:

Rance D. Carpenter of Springfield  
Non-Salaried

Henry C. Mendoza of Chicago  
Non-Salaried

Sheila T. Romano of Naperville  
Non-Salaried

To be members of the Affordable Housing Advisory  
Commission for terms ending October 1, 2001:

Daniel L. Goodwin of Oak Brook  
Non-Salaried

Willie B. Nelson, Sr. of East St. Louis

Non-Salaried

BOARD OF DIRECTORS PRAIRIE STATE 2000 AUTHORITY

To be a member of the Prairie State 2000 Authority  
Board of Directors for a term ending July 1, 2002:

Lori T. Healey of Chicago  
Non-Salaried

To be a member of the Prairie State 2000 Authority  
Board of Directors for a term ending July 1, 2003:

Bernard Armbruster of Springfield  
Non-Salaried

BOARD OF HIGHER EDUCATION

To be a member of the Board of Higher Education  
for a term ending January 31, 2003:

Steven H. Lesnik of Winnetka  
Non-Salaried

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BOARD OF TRUSTEES EASTERN ILLINOIS UNIVERSITY

To be a member of the Eastern Illinois University  
Board of Trustees for a term ending January 17, 2005:

Nathaniel James Anderson of Belleville  
Non-Salaried

BOARD OF TRUSTEES GOVERNORS STATE UNIVERSITY

To be members of the Governors State University  
Board of Trustees for terms ending January 15, 2001:

Kathleen Field Orr of Flossmoor  
Non-Salaried

Lorine S. Samuels of New Lenox  
Non-Salaried

BOARD OF TRUSTEES HISTORIC PRESERVATION AGENCY

To be a member of the Historic Preservation Agency  
Board of Trustees for a term ending January 15, 2001:

Carol Stein of Chicago  
Non-Salaried

To be a member and Chairman of the Historic Preservation Agency Board of Trustees for a term ending January 21, 2002:

Julianna Cellini of Springfield  
Non-Salaried

To be members of the Historic Preservation Agency Board of Trustees for terms ending January 21, 2002:

Pamela A. Daniels of Elmhurst  
Non-Salaried

Edward M. Genson of Deerfield  
Non-Salaried

BOARD OF TRUSTEES ILLINOIS STATE UNIVERSITY

To be a member of the Illinois State University Board of Trustees for a term ending January 17, 2005:

Stanley R. Ommen of Bloomington  
Non-Salaried

BOARD OF TRUSTEES NORTHERN ILLINOIS UNIVERSITY

To be a member of the Northern Illinois University Board of Trustees for a term ending January 15, 2007:

Robert T. Boey of DeKalb  
Non-Salaried

BOARD OF TRUSTEES SOUTHERN ILLINOIS UNIVERSITY

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To be a member of the Southern Illinois University Board of Trustees for a term ending January 20, 2003:

Era E. Callahan of Springfield  
Non-Salaried

CAPITAL DEVELOPMENT BOARD

To be a member of the Capital Development Board for a term ending January 19, 2004:

Michael N. Skoubis of Des Plaines  
Non-Salaried

EDUCATIONAL FUNDING ADVISORY BOARD

To be members of the Educational Funding Advisory Board for terms ending January 15, 2001:



Dean E. Clark of Glen Ellyn  
Non-Salaried

Anne D. Davis of Harvey  
Non-Salaried

To be a member and Chairman of the Educational  
Funding Advisory Board for a term ending January 21, 2002:

C. Robert Leininger of Springfield  
Non-Salaried

To be members of the Educational Funding Advisory  
Board for terms ending January 19, 2004:

Bert J. Docter of South Holland  
Non-Salaried

Marleis Trover, MD of Vienna  
Non-Salaried

#### GUARDIANSHIP AND ADVOCACY COMMISSION

To be a member of the Guardianship and Advocacy  
Commission for a term ending June 30, 2002:

Sue Suter of Springfield  
Non-Salaried

To be members of the Guardianship and Advocacy  
Commission for terms ending June 30, 2003:

Betty A. Bollmeier of Mascoutah  
Non-Salaried

Representative Mary Flowers of Chicago  
Non-Salaried

Michael G. Howie of Rochester  
Non-Salaried

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Joanne G. Perkins of Aurora  
Non-Salaried

Susan B. Tatnall of Batavia  
Non-Salaried

#### HAVANA REGIONAL PORT DISTRICT BOARD

To be a member of the Havana Regional Port

District Board for a term ending July 1, 2001:

Murray K. Johnson of Havana  
Non-Salaried

To be a member of the Havana Regional Port District  
Board for a term ending July 1, 2002:

Merle F. Tarvin of Havana  
Non-Salaried

ILLINOIS BUILDING COMMISSION

To be a member of the Illinois Building Commission  
for a term ending June 19, 2001:

Steven Frank Wydeveld of Manhattan  
Non-Salaried

To be members of the Illinois Building Commission  
for terms ending May 1, 2003:

Bruce S. Bonczyk of Springfield  
Non-Salaried

Kenneth C. Crocco of Harvard  
Non-Salaried

Robert Cusick of Springfield  
Non-Salaried

David C. Danley of Barrington  
Non-Salaried

Berardo J. DeSimone of Elmhurst  
Non-Salaried

ILLINOIS COMMITTEE FOR AGRICULTURAL EDUCATION

To be a member of the Illinois Committee for Agricultural  
Education for a term ending March 13, 2001:

Thomas L. Reedy of Lovington  
Non-Salaried

To be members of the Illinois Committee for Agricultural  
Education for terms ending March 13, 2002:

Marilyn Engelbrecht of Chillicothe  
Non-Salaried

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Leonard A. Harzman of Macomb  
Non-Salaried

Gail Elizabeth Petersdorff of Long Grove  
Non-Salaried

Nelson I. Thorp of Wapella  
Non-Salaried

Steve Woodrum of Jacksonville  
Non-Salaried

To be members of the Illinois Committee for Agricultural  
Education for terms ending March 13, 2003:

David L. Catttron of Joliet  
Non-Salaried

Kevin E. Daugherty of LeRoy  
Non-Salaried

Russell Alan Leman of Roanoke  
Non-Salaried

ILLINOIS DEVELOPMENT FINANCE AUTHORITY

To be members of the Illinois Development Finance  
Authority for terms ending January 19, 2004:

Warren "Bo" Daniels, Jr. of Chicago  
Non-Salaried

Ronald D. Santo of Burr Ridge  
Non-Salaried

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

To be members of the Illinois Health Care Cost  
Containment Council for terms ending September 5, 2002:

Jay F. Kiokemeister of Park Ridge  
Non-Salaried

James J. Kowalczyk of River Forest  
Non-Salaried

Edward Leary of Downers Grove  
Non-Salaried

Steven B. Scheer of River Forest  
Non-Salaried

Irvin F. Smith of Springfield  
Non-Salaried

Lawrence L. Swearingen of Quincy  
Non-Salaried

ILLINOIS HEALTH FACILITIES AUTHORITY

To be a member of the Illinois Health Facilities

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Authority for a term ending June 30, 2006:

Thomas C. Shields of Riverside  
Non-Salaried

ILLINOIS HEALTH FACILITIES PLANNING BOARD

To be members of the Illinois Health Facilities  
Planning Board for terms ending June 30, 2003:

Stuart P. Levine of Highland Park  
Non-Salaried

Louis M. Libert of Naperville  
Non-Salaried

William A. Marovitz of Chicago  
Non-Salaried

ILLINOIS HUMAN RESOURCE INVESTMENT COUNCIL/WORKFORCE INVESTMENT BOARD

To be a member of the Illinois Human Resource Investment  
Council / Workforce Investment Board for a term ending  
July 1, 2001:

Julie Kruse of Skokie  
Non-Salaried

ILLINOIS RACING BOARD

To be a member of the Illinois Racing Board for  
a term ending July 1, 2002:

William Jack Chamblin of Robinson  
Non-Salaried

To be a member and Chairman of the Illinois  
Racing Board for a term ending July 1, 2006:

Ralph Gonzalez of Jacksonville  
Non-Salaried

To be members of the Illinois Racing Board  
for terms ending July 1, 2006:

William Parrillo of Oak Brook

Non-Salaried

John B. Simon of Chicago  
Non-Salaried

ILLINOIS STATE BOARD OF INVESTMENT

To be a member of the State Board of Investment  
for a term ending January 20, 2003:

Peter Fasseas of Chicago  
Non-Salaried

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To be a member of the State Board of Investment  
for a term ending January 19, 2004:

John M. Marco of Evanston  
Non-Salaried

JOLIET REGIONAL PORT DISTRICT BOARD

To be a member of the Joliet Regional Port District  
Board for a term ending June 1, 2003:

Robert F. Schwartz of Shorewood  
Non-Salaried

To be a member of the Joliet Regional Port  
District Board for a term ending June 1, 2005:

David J. Silverman of Channahon  
Non-Salaried

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

To be members of the Low-Level Radioactive Waste  
Task Group for unspecified terms:

Debra Robinson of Dolton  
Non-Salaried

Jene L. Robinson of Decatur  
Non-Salaried

MID-AMERICA INTERMODAL AUTHORITY PORT DISTRICT BOARD

To be a member of the Mid-America Intermodal  
Authority Port District Board for a term ending  
June 1, 2005:

George A. Clark of Mt. Sterling  
Non-Salaried

OHIO RIVER VALLEY WATER SANITATION COMMISSION

To be members of the Ohio River Valley Water  
Sanitation Commission for terms ending  
January 3, 2006:

Constance H. Humphrey of Springfield  
Non-Salaried

Philip C. Morgan of Danville  
Non-Salaried

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN

To be the Public Administrator and Public Guardian  
of DeKalb County for a term ending December 3, 2001:

Colleen R. Cebula of DeKalb  
Non-Salaried

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To be the Public Administrator and Public Guardian  
of Marion County for a term ending December 3, 2001:

Michael R. Jones of Centralia  
Non-Salaried

SOUTHWESTERN ILLINOIS DEVELOPMENT AUTHORITY

To be a member of the Southwestern Illinois Development  
Authority for a term ending January 21, 2002:

John A. Fruit of Edwardsville  
Non-Salaried

To be members of the Southwestern Illinois Development  
Authority for terms ending January 20, 2003:

Mark James Deschaine of Belleville  
Non-Salaried

Theodore L. Prehn of Bethalto  
Non-Salaried

To be a member of the Southwestern Illinois Development  
Authority for a term ending January 19, 2004:

Joe Behnken of O'Fallon  
Non-Salaried

STATE BANKING BOARD OF ILLINOIS

To be a member of the State Banking Board of Illinois for a term ending January 1, 2004:

Peter Fasseas of Chicago  
Non-Salaried

STATE BOARD OF EDUCATION

To be a member of the State Board of Education for a term ending January 10, 2001:

Marjorie B. Branch of Chicago  
Non-Salaried

STATE REHABILITATION COUNCIL

To be members of the State Rehabilitation Council for terms ending July 1, 2001:

Matt Abrahamson of Decatur  
Non-Salaried

Robert P. Nunn of Urbana  
Non-Salaried

To be a member of the State Rehabilitation Council for a term ending July 1, 2002:

James W. Jenkins of Bartonville

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Non-Salaried

To be members of the State Rehabilitation Council for terms ending July 1, 2003:

Mary Clark of Oak Park  
Non-Salaried

Brian Johnson of Chicago  
Non-Salaried

Marbella Marsh of Decatur  
Non-Salaried

Jeanne Naglewski of Naperville  
Non-Salaried

STATE SOIL AND WATER CONSERVATION ADVISORY BOARD

To be members of the State Soil and Water Conservation Advisory Board for terms ending January 19, 2003:

Terry Davis of Roseville  
Non-Salaried

Dale E. Jahraus of St. Peter  
Non-Salaried

Wayne Johnson of St. Francisville  
Non-Salaried

WAUKEGAN PORT DISTRICT BOARD

To be a member of the Waukegan Port District Board  
for a term ending May 31, 2003:

Dale R. Johnson of Winthrop Harbor  
Non-Salaried

To be a member of the Waukegan Port District  
Board for a term ending May 31, 2005:

Andrew S. Schapals of Waukegan  
Non-Salaried

WILL-KANKAKEE REGIONAL DEVELOPMENT AUTHORITY

To be a member of the Will-Kankakee Regional Development  
Authority for a term ending January 20, 2003:

Barbara J. Peterson of Beecher  
Non-Salaried

WORKERS' COMPENSATION ADVISORY BOARD

To be a member of the Workers' Compensation Advisory  
Board for a term ending January 19, 2002:

Margaret Blackshere of Niles  
Non-Salaried

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GEORGE H. RYAN

Under the rules, the foregoing Message was referred to the  
Committee on Executive Appointments.

**HOUSE BILL RECALLED**

On motion of Senator Klemm, **House Bill No. 3612** was recalled from  
the order of third reading to the order of second reading.

Senator Klemm offered the following amendment and moved its  
adoption:



AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3612, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 5, by replacing "283 and 284" with "283, 284, and 285"; and on page 16, by inserting below line 17 the following:

"(70 ILCS 2605/285 new)

Sec. 285. District enlarged. Upon the effective date of this amendatory Act of the 91st General Assembly, the corporate limits of the Metropolitan Water Reclamation District Act are extended to include within those limits the following described tracts of land, and those tracts are annexed to the District.

PARCEL 2:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 30 LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE 72, COMMONLY KNOWN AS NEW HIGGINS ROAD, (EXCEPT THE WEST 190 FEET THEREOF) ALL IN TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
ALSO THE NORTHWEST 1/4 OF SECTION 31 (EXCEPT THE WEST 190 FEET THEREOF AND EXCEPT THE SOUTH 1501.64 FEET AS MEASURED ALONG THE EAST AND WEST LINES THEREOF), ALL IN TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
ALSO COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, FOR A PLACE OF BEGINNING; THENCE SOUTH 0 DEGREES 12 MINUTES WEST 2640.0 FEET TO A FENCE CORNER AND THE CENTER OF SAID SECTION 31; THENCE SOUTH 89 DEGREES 54 MINUTES EAST 2640.70 FEET TO THE SOUTH EAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE NORTHERLY ALONG A FENCE LINE 1306.73 FEET TO A FENCE CORNER; THENCE NORTH 89 DEGREES 20 MINUTES WEST ALONG A FENCE LINE 1318.55 FEET TO THE CENTER LINE OF A PUBLIC ROAD KNOWN AS BEVERLY LAKE ROAD; THENCE NORTH 0 DEGREES 14 MINUTES WEST ALONG THE CENTER OF SAID ROAD 958.02 FEET; THENCE NORTH 89 DEGREES 10 MINUTES WEST ALONG A CYCLONE FENCE 218.60 FEET TO A FENCE CORNER; THENCE NORTHERLY ALONG A CYCLONE FENCE 195.0 FEET TO A RIGHT OF WAY MONUMENT; THENCE NORTH 80 DEGREES 40 MINUTES WEST ALONG THE SOUTH RIGHT OF WAY OF ROUTE 72, 238.0 FEET TO A RIGHT OF WAY MONUMENT; THENCE NORTH 78 DEGREES 35 MINUTES WEST ALONG THE SOUTH RIGHT OF ACCESS LINE OF SAID ROUTE 72, 507.0 FEET TO A RIGHT OF WAY MONUMENT; THENCE NORTH 76 DEGREES 12 MINUTES WEST ALONG THE SOUTH RIGHT OF WAY OF ROUTE 72, 336.50 FEET TO A CONCRETE RIGHT OF WAY MONUMENT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 30; THENCE SOUTH 0 DEGREES 12 MINUTES WEST 49.31 FEET TO THE PLACE OF BEGINNING,  
(EXCEPT THAT PART LYING EAST OF THE CENTER LINE OF BEVERLY ROAD; AND EXCEPT THAT PART FALLING WITHIN THE FOLLOWING DESCRIBED TRACT OF LAND:  
BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF BEVERLY ROAD

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AND THE RIGHT OF WAY LINE OF HIGGINS ROAD IN SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE CENTER LINE OF BEVERLY ROAD 165 FEET; THENCE

WESTERLY 243.59 FEET; THENCE NORTHERLY 195.81 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD; THENCE SOUTHEASTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD TO THE PLACE OF BEGINNING;

AND EXCEPT THAT PART DEDICATED FOR BEVERLY ROAD BY PLAT OF DEDICATION RECORDED SEPTEMBER 16, 1988 AS DOCUMENT 88424906),

ALSO THE SOUTH 1501.64 FEET AS MEASURED ALONG THE EAST AND WEST LINES OF THE NORTHWEST 1/4 OF SECTION 31 (EXCEPT THE WEST 190 FEET THEREOF), ALL IN TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,

ALSO THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTH 10 RODS OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THE NORTH 1/2 OF THE SOUTHWEST 1/4 AND THE NORTH 10 RODS OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 ALL IN SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THEREFROM THE WEST 190 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 31 AND EXCEPT THE SOUTH 75.00 FEET OF THE WEST 211.00 FEET OF THE EAST 370.75 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND EXCEPT THE NORTH 10 RODS (165.00 FEET) OF THE WEST 211.00 FEET OF THE EAST 370.75 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE WEST 190 FEET THEREOF AND EXCEPT THAT PART OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION WHICH IS 190.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG A STRAIGHT LINE 190.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION FOR A DISTANCE OF 150.0 FEET; THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID SECTION WHICH IS 250.0 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 250.0 FEET TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS.

ALSO THAT PART OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION WHICH IS 190.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG A STRAIGHT LINE 190.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION FOR A DISTANCE OF 150.0 FEET; THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID SECTION WHICH IS 250.0 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 250.0 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO THAT PART OF SECTION 5, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF THE NORTHERLY LINE OF PREMISES CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY WARRANTY DEED DATED JUNE 11, 1956 AND RECORDED JUNE 12, 1956 AS DOCUMENT NUMBER 16607889 AND LYING EASTERLY OF THE PREMISES CONVEYED TO COMMONWEALTH EDISON COMPANY BY WARRANTY DEED DATED JANUARY 2, 1963 AND RECORDED JANUARY 7, 1963 AS DOCUMENT NUMBER 18690041, AND LYING WESTERLY OF THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXTENDED SOUTHERLY TO THE AFORESAID NORTHERLY LINE OF ILLINOIS STATE TOLL

HIGHWAY,

ALSO THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF BEVERLY ROAD AND THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD; THENCE SOUTHERLY ALONG THE CENTER LINE OF BEVERLY ROAD 165 FEET; THENCE WESTERLY 243.59 FEET; THENCE NORTHERLY 195.81 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD; THENCE SOUTHERLY ALONG THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THE SOUTH 70 RODS (1155.00 FEET) OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,

ALSO THE SOUTH 70 RODS (1155.00 FEET) OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THAT PART THEREOF LYING EAST AND SOUTH OF THE WEST AND NORTH LINES OF THE LAND CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY BY DEED RECORDED JULY 29, 1994 AS DOCUMENT NO. 94-667,873, SAID WEST AND NORTH LINES DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 47 MINUTES 33 SECONDS WEST ALONG THE SOUTH LINE OF SAID

SECTION 31 A DISTANCE OF 32.56 FEET; THENCE NORTH 06 DEGREES 06 MINUTES 43 SECONDS WEST 297.65 FEET; THENCE NORTH 00 DEGREES 52 MINUTES 23 SECONDS EAST 400.65 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 16 SECONDS EAST 58.81 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER),

ALSO ALL THAT PART OF FRACTIONAL SECTION 5, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING (i) NORTHERLY OF THE NORTHERLY LINE OF THE PREMISES CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY DEED RECORDED JUNE 12, 1956 AS DOCUMENT NO. 16607889; (ii) EASTERLY OF THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXTENDED SOUTHERLY TO THE AFORESAID NORTHERLY LINE OF THE ILLINOIS STATE TOLL HIGHWAY; AND (iii) WESTERLY OF THE EAST 279.0 FEET OF SAID SECTION 5, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY BY DEED RECORDED JULY 29, 1994 AS DOCUMENT NO. 94-667, 873:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE SOUTH 89 DEGREES 58 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 5 A DISTANCE OF 279.00 FEET TO THE WEST LINE OF THE EAST 279.00 FEET OF SAID SECTION 5 FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 58 MINUTES 08 SECONDS WEST ALONG SAID NORTH LINE 13.53 FEET; THENCE SOUTH 06 DEGREES 06 MINUTES 43 SECONDS EAST 61.86 FEET TO THE NORTH RIGHT OF WAY LINE OF THE NORTHERN ILLINOIS TOLL HIGHWAY AS CONVEYED BY DEED DOCUMENT NO. 16607889 RECORDED JUNE 12, 1956; THENCE NORTH 89

DEGREES 51 MINUTES 14 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE 6.71 FEET TO SAID WEST LINE OF THE EAST 279.00 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 12 SECONDS EAST ALONG SAID WEST LINE 61.50 FEET TO THE POINT OF BEGINNING;

SAID PREMISES ALSO BEING CAPABLE OF BEING LEGALLY DESCRIBED AS FOLLOWS:

THAT PART OF FRACTIONAL SECTION 5, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING (i) NORTHERLY OF THE PREMISES CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION

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BY DEED RECORDED JUNE 12, 1956 AS DOCUMENT NO.16607889; (ii) EAST OF THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXTENDED STRAIGHT SOUTH; AND (iii) WESTERLY OF THE FOLLOWING DESCRIBED LINE; BEGINNING AT A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 5, 13.53 FEET WEST OF THE WEST LINE OF THE EAST 279.00 FEET OF SAID FRACTIONAL SECTION 5; AND THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE 61.86 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF SAID PREMISES CONVEYED BY DOCUMENT NO. 16607889, 6.71 FEET WESTERLY OF SAID WEST LINE OF THE EAST 279.00 FEET OF FRACTIONAL SECTION 5, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THAT PART OF THE FOLLOWING DESCRIBED TRACT:

THAT PART OF FRACTIONAL SECTIONS 5 AND 6, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 5; THENCE EAST ALONG THE NORTH LINE OF SAID FRACTIONAL SECTION 5, 1128.36 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE COMPANY (NOW COMMONWEALTH EDISON COMPANY) BY DEED DOCUMENT NO. 9693090 RECORDED JUNE 21, 1927; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE COMPANY 3725.69 FEET, MORE OR LESS, TO THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 9202301 RECORDED MARCH 10, 1926; THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE FACTORY ROAD 1079.49 FEET, MORE OR LESS, TO A POINT ON THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943, 75.40 FEET EASTERLY OF THE POINT OF INTERSECTION OF THE EAST LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND SAID CENTER LINE OF SHOE FACTORY ROAD AS MEASURED ALONG SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6, 33.00 FEET WEST OF THE AFORESAID NORTHWEST CORNER OF FRACTIONAL SECTION 5; AND THENCE EAST ALONG SAID NORTH LINE OF FRACTIONAL SECTION 6, 33.00 FEET TO THE CORNER OF BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED; THAT LIES EAST OF A LINE DRAWN AT AN ANGLE OF SOUTH 1 DEGREE 30 MINUTES EAST FROM THE NORTHWEST CORNER OF FRACTIONAL SECTION 5.

PARCEL 5:

THAT PART OF THE FOLLOWING DESCRIBED TRACT:

THAT PART OF FRACTIONAL SECTIONS 5 AND 6, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 5; THENCE EAST ALONG THE NORTH LINE OF SAID FRACTIONAL SECTION 5, 1128.36 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE COMPANY (NOW COMMONWEALTH EDISON COMPANY) BY DEED DOCUMENT NO. 9693090 RECORDED JUNE 21, 1927; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE COMPANY 3725.69 FEET, MORE OR LESS, TO THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 9202301 RECORDED MARCH 10, 1926; THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE FACTORY ROAD 1079.49 FEET, MORE OR LESS, TO A POINT ON THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943, 75.40 FEET EASTERLY OF THE POINT OF INTERSECTION OF THE EAST LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND SAID CENTER LINE OF SHOE

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FACTORY ROAD AS MEASURED ALONG SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6, 33.00 FEET WEST OF THE AFORESAID NORTHWEST CORNER OF FRACTIONAL SECTION 5; AND THENCE EAST ALONG SAID NORTH LINE OF FRACTIONAL SECTION 6, 33.00 FEET TO THE CORNER OF BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED; WHICH LIES WEST OF A LINE DRAWN AT AN ANGLE OF SOUTH 1%°D 30' EAST FROM THE NORTHWEST CORNER OF FRACTIONAL SECTION 5, ALSO THAT PART OF FRACTIONAL SECTION 6, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943; THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE FACTORY ROAD 208.65 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF THE L. CURCE FARM BY DOCUMENT NO. 16785517 RECORDED DECEMBER 20, 1956 EXTENDED SOUTHERLY TO SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF THE L. CURCE FARM EXTENDED SOUTHERLY AND SAID EASTERLY LINE OF THE L. CURCE FARM 3827.48 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6, 238.48 FEET WEST OF THE NORTHWEST CORNER OF FRACTIONAL SECTION 5 IN THE AFORESAID TOWNSHIP AND RANGE; THENCE EAST ALONG SAID NORTH LINE OF SECTION 6, 205.48 FEET, MORE OR LESS, TO A POINT 33.00 FEET WEST OF SAID NORTHWEST CORNER OF FRACTIONAL SECTION 5; THENCE SOUTHERLY ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A POINT ON SAID CENTER LINE OF SHOE FACTORY ROAD 75.40 FEET EASTERLY OF THE POINT OF BEGINNING AS MEASURED ALONG SAID CENTER LINE OF SHOE FACTORY ROAD; AND THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE FACTORY ROAD 75.40

FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED, ALL IN COOK COUNTY, ILLINOIS."

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3612**, as amended, was returned to the order of third reading.

#### **REPORT FROM RULES COMMITTEE**

Senator Weaver, Chairperson of the Committee on Rules, during its November 29, 2000 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Insurance and Pensions: **Motion to Concur with House Amendment No. 2 to Senate Bill 851.**

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment No. 2 to House Bill 1511  
Senate Amendment No. 3 to House Bill 3619

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Senate Amendment No. 1 to House Joint Resolution 19  
Senate Amendment No. 2 to Senate Joint Resolution 74

The foregoing floor amendments were placed on the Secretary's Desk.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

First Conference Committee Report to Senate Bill 487

The foregoing conference committee report was placed on the Senate Calendar.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Rauschenberger, **House Bill No. 50** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment and Energy, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 50 by replacing the title with the following:

"An Act to amend the Energy Assistance Act of 1989 by changing Section 6."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Energy Assistance Act of 1989 is amended by changing Section 6 as follows:

(305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

Sec. 6. Eligibility, Conditions of Participation, and Energy Assistance.

(a) Any person who is a resident of the State of Illinois and whose household income is not greater than an amount determined annually by the Department, in consultation with the Policy Advisory Council, 125% of the federal nonfarm poverty level as established by the federal Office of Management and Budget may apply for assistance pursuant to this Act in accordance with regulations promulgated by the Department. In setting the annual eligibility level, the Department shall consider the amount of available funding and may not set a limit higher than 150% of the federal nonfarm poverty level as established by the federal Office of Management and Budget.

(b) Applicants who qualify for assistance pursuant to subsection (a) of this Section shall, subject to appropriation from the General Assembly and subject to availability of funds to the Department, receive energy assistance as provided by this Act. The Department, upon receipt of monies authorized pursuant to this Act for energy assistance, shall commit funds for each qualified applicant in an amount determined by the Department. In determining the amounts of assistance to be provided to or on behalf of a qualified applicant, the Department shall ensure that the highest amounts of assistance go to households with the greatest energy costs in relation to household income. The Department shall include factors such as energy costs, household size, household income, and region of the State when determining individual household benefits. In setting assistance levels, the Department shall attempt to provide assistance to approximately the same number of households who participated in the 1991 Residential Energy Assistance Partnership Program. Such

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assistance levels shall be adjusted annually on the basis of funding availability. In promulgating rules for the administration of this Section the Department shall assure that a minimum of 1/3 of funds available for benefits to eligible households are made available to households who are eligible for public assistance and that elderly and disabled households are offered a one-month application period.

(c) If the applicant is not a customer of an energy provider for winter energy services or an applicant for such service, such applicant shall receive a direct energy assistance payment in an amount established by the Department for all such applicants under this Act; provided, however, that such an applicant must have rental expenses for housing greater than 30% of household income.

(d) If the applicant is a customer of an energy provider, such applicant shall receive energy assistance in an amount established by the Department for all such applicants under this Act, such amount to

be paid by the Department to the energy provider supplying winter energy service to such applicant. Such applicant shall:

(i) make all reasonable efforts to apply to any other appropriate source of public energy assistance; and

(ii) sign a waiver permitting the Department to receive income information from any public or private agency providing income or energy assistance and from any employer, whether public or private.

(e) Any qualified applicant pursuant to this Section may receive or have paid on such applicant's behalf an emergency assistance payment to enable such applicant to obtain access to winter energy services. Any such payments shall be made in accordance with regulations of the Department.

(Source: P.A. 87-14; 88-391.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Myers, **House Bill No. 851** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 851 by replacing the title with the following:

"AN ACT to amend the State Treasurer Act by amending Section 16.5."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Treasurer Act is amended by changing Section 16.5 as follows:

(15 ILCS 505/16.5)

Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person that makes investments in the pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account is

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established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants and designated beneficiaries in the College Savings Pool.

New accounts in the College Savings Pool shall be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial



institution insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed \$30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal law. All communications from the State Treasurer to participants shall reference the participating financial institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments, and subject to the same limitations provided for the investment of moneys by the Illinois State Board of Investment. To enhance the safety and liquidity of the College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less than 7 years of age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and less than 12 years of age, and 50% of the total amount of each account for which the current age of the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement an investment policy covering the investment of the moneys in the College Savings Pool. The policy shall be published (i) at least once each year in at least one newspaper of general circulation in both Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational

institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii) certain room and board expenses incurred while attending an eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be enrolled at least half-time if the student is enrolled for at least half the full-time academic work load for the course of study the student is pursuing as determined under the standards of the institution at which the student is enrolled. Distributions made from the pool for qualified expenses shall be made directly to the eligible educational institution, directly to a vendor, ~~or~~ in the form of a check payable to both the beneficiary and the institution or vendor, or directly to the designated beneficiary in a manner that is permissible under Section 529 of the Internal Revenue Code. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program, administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a

separate accounting for each designated beneficiary to each participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and

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operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529 ~~52~~). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of \$1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

(Source: P.A. 91-607, eff. 1-1-00; 91-829, eff. 1-1-01; revised 7-3-00.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 1511** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1511 by replacing the title with the following:

"AN ACT in relation to criminal sentencing."; and  
by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 111-3 as follows:

(725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

Sec. 111-3. Form of charge. (a) A charge shall be in writing and allege the commission of an offense by:

(1) Stating the name of the offense;

(2) Citing the statutory provision alleged to have been violated;

(3) Setting forth the nature and elements of the offense charged;

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(4) Stating the date and county of the offense as definitely as can be done; and

(5) Stating the name of the accused, if known, and if not known, designate the accused by any name or description by which he can be identified with reasonable certainty.

(b) An indictment shall be signed by the foreman of the Grand Jury and an information shall be signed by the State's Attorney and sworn to by him or another. A complaint shall be sworn to and signed by the complainant; Provided, however, that when a citation is issued on a Uniform Traffic Ticket or Uniform Conservation Ticket (in a form prescribed by the Conference of Chief Circuit Judges and filed with the Supreme Court), the copy of such Uniform Ticket which is filed with the circuit court constitutes a complaint to which the defendant may plead, unless he specifically requests that a verified complaint be filed.

(c) When the State seeks an enhanced sentence because of a prior conviction, the charge shall also state the intention to seek an enhanced sentence and shall state such prior conviction so as to give notice to the defendant. However, the fact of such prior conviction and the State's intention to seek an enhanced sentence are not elements of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial. For the purposes of this Section, "enhanced sentence" means a sentence which is increased by a prior conviction from one classification of offense to another higher level classification of offense set forth in Section 5-5-1 of the "Unified Code of Corrections", approved July 26, 1972, as amended; it does not include an increase in the sentence applied within the same level of classification of offense.

(c-5) Notwithstanding any other provision of law, in all cases in which the imposition of the death penalty is not a possibility, if an alleged fact (other than the fact of a prior conviction) is not an element of an offense but is sought to be used to increase the range of penalties for the offense beyond the statutory maximum that could otherwise be imposed for the offense, the alleged fact must be included in the charging instrument or otherwise provided to the

defendant through a written notification before trial, submitted to a trier of fact as an aggravating factor, and proved beyond a reasonable doubt. Failure to prove the fact beyond a reasonable doubt is not a bar to a conviction for commission of the offense, but is a bar to increasing, based on that fact, the range of penalties for the offense beyond the statutory maximum that could otherwise be imposed for that offense. Nothing in this subsection (c-5) requires the imposition of a sentence that increases the range of penalties for the offense beyond the statutory maximum that could otherwise be imposed for the offense if the imposition of that sentence is not required by law.

(d) At any time prior to trial, the State on motion shall be permitted to amend the charge, whether brought by indictment, information or complaint, to make the charge comply with subsection (c) or (c-5) of this Section. Nothing in Section 103-5 of this Code precludes such an amendment.

(e) The provisions of Article 33B of the Criminal Code of 1961, as amended, shall not be affected by this Section.

(Source: P.A. 86-964.)

Section 10. The Unified Code of Corrections is amended by changing Sections 5-5-3, 5-5-4, 5-8-1, and 5-8-2 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) Every person convicted of an offense shall be sentenced as

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provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the

individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed \$500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not

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imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and

Dependency Act.

(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

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(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's

driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the

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victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the

court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's

Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant

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the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6,

11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order

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the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or

injected with or to use any form of birth control.

(1) (A) Except as provided in paragraph (C) of subsection (1), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon

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motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (1) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00.)

(730 ILCS 5/5-5-4) (from Ch. 38, par. 1005-5-4)  
Sec. 5-5-4. Resentences.

Where a conviction or sentence has been set aside on direct review or on collateral attack, the court shall not impose a new sentence for the same offense or for a different offense based on the same conduct which is more severe than the prior sentence less the portion of the prior sentence previously satisfied unless the more severe sentence is based upon conduct on the part of the defendant occurring after the original sentencing. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(Source: P.A. 77-2097.)

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)  
Sec. 5-8-1. Sentence of Imprisonment for Felony.

(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

- (1) for first degree murder,
  - (a) a term shall be not less than 20 years and not more than 60 years, or
  - (b) if a trier of fact ~~the court~~ finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of

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wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or

(c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,

(i) has previously been convicted of first degree murder under any state or federal law, or

(ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer or fireman when the peace officer or fireman was killed in the course of performing his official duties, or to prevent the peace officer or fireman from

performing his official duties, or in retaliation for the peace officer or fireman performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this

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Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d) (i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense,

the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;

(2) for a person adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;

(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, paragraph (1.2) of subsection (b) of Section 12-14.1, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;

(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;

(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;

(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;

(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;

(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed

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within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a

reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

- (1) for first degree murder or a Class X felony, 3 years;
- (2) for a Class 1 felony or a Class 2 felony, 2 years;
- (3) for a Class 3 felony or a Class 4 felony, 1 year;
- (4) if the victim is under 18 years of age, for a second or subsequent offense of criminal sexual assault or aggravated criminal sexual assault, 5 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code;
- (5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence



reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(Source: P.A. 90-396, eff. 1-1-98; 90-651, eff. 1-1-99; 91-279, eff. 1-1-00; 91-404, eff. 1-1-00; revised 10-14-99.)

(730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

Sec. 5-8-2. Extended Term. (a) A judge shall not sentence an offender to a term of imprisonment in excess of the maximum sentence authorized by Section 5-8-1 for the class of the most serious offense of which the offender was convicted unless the factors in aggravation set forth in paragraph (b) of Section 5-5-3.2 were found to be present. Where a trier of fact ~~the judge~~ finds beyond a reasonable doubt that such factors were present, the judge ~~he~~ may sentence an offender to the following:

(1) for first degree murder, a term shall be not less than 60 years and not more than 100 years;

(2) for a Class X felony, a term shall be not less than 30 years and not more than 60 years;

(3) for a Class 1 felony, a term shall be not less than 15 years and not more than 30 years;

(4) for a Class 2 felony, a term shall be not less than 7 years and not more than 14 years;

(5) for a Class 3 felony, a term shall not be less than 5 years and not more than 10 years;

(6) for a Class 4 felony, a term shall be not less than 3 years and not more than 6 years.

(b) If the conviction was by plea, it shall appear on the record that the plea was entered with the defendant's knowledge that a sentence under this Section was a possibility. If it does not so appear on the record, the defendant shall not be subject to such a sentence unless he is first given an opportunity to withdraw his plea without prejudice.

(Source: P.A. 85-902.)

Section 99. Effective date. This Act takes effect upon becoming law."

Senator Munoz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1511, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 3, line 15 by inserting after "complaint," the following:  
"or provide written notification,".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Obama, **House Bill No. 1991** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 2970** was taken up and read by title a second time.

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Committee Amendment No. 1 lost in the Committee on Environment and Energy.

There being no further amendments, the bill was ordered to third reading.

On motion of Senator Roskam, **House Bill No. 3615** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3615 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 7-1-1 as follows:

(65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

Sec. 7-1-1. Annexation of contiguous territory. Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a railroad or public utility right-of-way, but upon annexation the area included within that right-of-way shall not be considered to be annexed to the municipality.

Except in counties with a population of more than 500,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district may be annexed to the municipality pursuant to Sections 7-1-7 or 7-1-8, but in counties with a population of 3,000,000 or more, territory that is not contiguous to a municipality but is separated therefrom only by a forest preserve district may be annexed to the municipality pursuant to Sections 7-1-7 or 7-1-8 only if the annexing municipality can show that the forest preserve district creates an artificial barrier preventing the annexation and that the location of the forest preserve district property prevents the orderly natural growth of the annexing municipality. It shall be conclusively presumed that the forest preserve district does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing

forest preserve district), (ii) forest preserve district property, or (iii) a combination of other municipalities and forest preserve district property. It shall also be conclusively presumed that the forest preserve district does not create an artificial barrier if the municipality seeking annexation is not the closest municipality to the property to be annexed. The territory included within such forest preserve district shall not be annexed to the municipality nor shall the territory of the forest preserve district be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district without the consent of the governing body of the forest preserve district. The changes made to this Section by this amendatory Act of 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both

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ends to the Mississippi River and located on property owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated from the municipality by property owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of the court in which the annexation proceedings are pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation. When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways and the Board of Town Trustees shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways and the Board of Town Trustees of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1,

1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities having jurisdiction in the territory and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be effective until the day after the date of the primary or general election, as the case may be.

For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

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When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

(Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 3841** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3841 on page 1, line 18, by changing "shall" to "may"; and

on page 1, immediately below line 28, by inserting the following:

"(e) No sheriff, deputy sheriff, correctional guard, lockup keeper, or any county employee who had custody or control over any person released under the provisions of this Section shall be liable for any injury of any kind, including but not limited to death, to either the person released or to any third person or party that results from or follows the release of that person from the custody or control of any sheriff, deputy sheriff, correctional guard, lockup keeper, or county employee."

There being no further amendments, the bill, as amended, was ordered to a third reading.

#### CONSIDERATION OF HOUSE BILLS VETOED BY THE GOVERNOR

Pursuant to Motion in Writing filed on November 28, 2000 and journalized earlier today, Senator Philip moved to accept the Governor's specific recommendations for change to **House Bill No. 861**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard

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Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld

Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 861.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 16, 2000 and journalized earlier today, Senator O'Malley moved to accept the Governor's specific recommendations for change to **House Bill No. 3838**.

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And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.

Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 3838.

Ordered that the Secretary inform the House of Representatives thereof.

#### HOUSE BILL RECALLED

On motion of Senator Peterson, **House Bill No. 3619** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was held in the Committee on Rules.

Senator Peterson offered the following amendment and moved its adoption:

#### AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 3619, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, lines 5 and 6, by replacing "and 7-103.101" with "7-103.101, 7-103.102, and 7-103.102a"; and on page 4, after line 12, by inserting the following:

(735 ILCS 5/7-103.102 new)

Sec. 7-103.102. Quick-take; Village of Barrington. Quick-take proceedings under Section 7-103 may be used for a period of 24 months after the effective date of this amendatory Act of the 91st General Assembly by the Village of Barrington for the acquisition of the following described property for business development and municipal purposes:

That part of the Southwest Quarter of Section 36, Township 43 North, Range 9 East of the Third Principal Meridian, Lake County, Illinois described as follows:

Beginning at the most westerly corner of Lot 5 in COUNTY CLERK'S DIVISION of the West 1/2 of the Southeast Quarter and unsubdivided lands in the Southwest Quarter (except Railroads) in Section 36 and the East 1/2 of the Southeast Quarter (Except Railroads) in Section 35, Township 43 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded April 28, 1898 as Document 70831, said point also being the intersection of southeasterly right of way line of the Elgin Joliet and Eastern Railroad and the northeasterly right of way line of the Union Pacific Railroad; thence Northeasterly along said southeasterly right of way line and the northwest line of lots 5, 6 and 7 in said COUNTY CLERK'S DIVISION to the intersection with the north line of Lot 7 aforesaid; thence east on the north line of said Lot 7 a distance of 131.50 feet more or less to the northwest corner of Lot 6 in Homuth's SUBDIVISION OF PART OF LOT No. 7 recorded November 24, 1926 as Document 290493; thence south along the west line of said Lot 6 in Homuth's



SUBDIVISION a distance of 66 feet to the southwest corner thereof; thence continuing southerly in a straight line 130.92 feet to the northeast corner of Lot 3 in said Homuth's SUBDIVISION; thence easterly along the north line of Lot 2 in said Homuth's SUBDIVISION 130 feet to the northeast corner of said Lot 2; thence southerly along the west line of Hough Street

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and the east line of Lots 2 and 1 in said Homuth's SUBDIVISION a distance of 132 feet to the southeast corner of said Lot 1; thence westerly along the south line of Lots 1, 3, 4 and 5 in said Homuth's Subdivision and along the south line of Lot 7 in the aforesaid COUNTY CLERK'S DIVISION, said line also being the north right of way line of Liberty Street, to the southwest corner of said Lot 7 and the westerly termination of said Liberty Street; thence south 60 feet along the west terminus of said Liberty Street; thence easterly along the south right of way line of Liberty Street to a point 300 feet west of the west line of North Hough Street as measured along the south right of way line of Liberty Street; thence southerly along a line parallel with the east line of the west half of the Southwest Quarter of said Section 36 a distance of 176.49 feet; thence easterly along a line parallel with the south right of way line of Liberty Street a distance of 300 feet to the west line of North Hough Street; thence southerly along the west right of way line of North Hough Street to the northeasterly line of the Union Pacific Railroad; thence northwesterly along said northeasterly line to the point of beginning, except that part described as follows: Commencing at a point on the west line of North Hough Street (being a line 33 feet west of and parallel with the East line of the West half of the Southwest Quarter of said Section 36) said commencement point also being on the south right of way line of Liberty Street; thence southerly along said west line of North Hough Street a distance of 176.49 feet to the point of beginning; thence westerly parallel with the said south right of way line a distance of 300 feet; thence southerly along a line parallel with said East line of the West half of the southwest Quarter a distance of 150 feet; thence easterly along a line parallel with Liberty Street a distance of 300 feet to the westerly line of North Hough Street; thence northerly along the west line of North Hough Street a distance of 150 feet to the point of beginning.

(735 ILCS 5/7-103.102a new)

Sec. 7-103.102a. Quick-take; Village of Lyons. Quick-take proceedings under Section 7-103 may be used for a period of 48 months after the effective date of this amendatory Act of the 91st General Assembly by the Village of Lyons for the acquisition of the following described properties for the purpose of downtown redevelopment and public school enhancement:

PIN: 18-02-203-002

18-02-204-002

ADDRESS: 3938 BARRYPOINT ROAD

THAT PART OF THE FRACTIONAL NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS

FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER, 116.68 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION WHICH IS THE INTERSECTION OF THE NORTHWESTERLY LINE OF BARRY POINT ROAD EXTENDED NORTHEASTERLY TO THE NORTH LINE OF SAID SECTION; THENCE SOUTH 30 DEGREES 02 MINUTES 03 SECONDS WEST (SOUTH 31 DEGREES 57 MINUTES WEST RECORD) ALONG THE NORTHWESTERLY LINE OF SAID BARRY POINT ROAD, 467.63 FEET TO THE POINT OF BEGINNING; THENCE NORTH 59 DEGREES 57 MINUTES 57 SECONDS WEST (NORTH 58 DEGREES 03 MINUTES WEST RECORD) 70.59 FEET; THENCE SOUTH 46 DEGREES 12 MINUTES 21 SECONDS WEST 57.42 FEET TO A POINT ON THE LINE BETWEEN LOTS 1 AND 2 IN LUNN'S SUBDIVISION, AS SHOWN ON A SURVEY BY ANTON F. KOZAK, DATED APRIL 21, 1960, ORDER NUMBER 16,163; THENCE SOUTH 49 DEGREES 51 MINUTES 01 SECONDS EAST ALONG THE LAST DESCRIBED LINE 87.95 FEET TO THE NORTHWESTERLY LINE OF

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BARRY POINT ROAD; THENCE NORTH 30 DEGREES 02 MINUTES 03 SECONDS EAST ALONG SAID NORTHWESTERLY LINE 70.59 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO KNOWN AS

PARCEL 1: LOT 1 (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE EAST LINE SAID LOT 1, 388 FEET SOUTH AND 377.42 FEET WEST OF THE NORTHEAST CORNER OF SECTION 2; THENCE NORTH TO THE CENTER OF DES PLAINES RIVER; THENCE SOUTHWESTERLY ALONG THE CENTER OF SAID RIVER TO A LINE DRAWN FROM THE ABOVE DESCRIBED POINT, BEING NORTH 58 DEGREES 3 MINUTES WEST; THENCE SOUTH 58 DEGREES 3 MINUTES EAST TO THE POINT OF BEGINNING) IN LUNN'S SUBDIVISION OF 2.5 ACRES IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 1870, IN BOOK 171 OF PLATS, PAGE 21, AS DOCUMENT NUMBER 42871, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS TO WIT: COMMENCING AT A POINT 388 FEET SOUTH AND 377.42 FEET WEST OF THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 75.75 FEET TO THE CENTER OF CHICAGO AND NAPERVILLE ROAD; THENCE NORTH 31 DEGREES 57 MINUTES EAST ALONG THE CENTER OF SAID ROAD, 64.26 FEET; THENCE NORTH 58 DEGREES 3 MINUTES WEST 40.08 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN: 18-02-206-007  
18-02-206-008  
18-02-206-009  
18-02-206-010  
18-02-206-011  
18-02-206-033

ADDRESS: 8029-47 OGDEN AVE.

PARCEL 1: LOT 6 AND THE WEST 33 FEET OF LOT 7 IN LUNN'S SUBDIVISION OF 2 1/2 ACRES OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND A STRIP OF LAND IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 12

EAST OF THE THIRD PRINCIPAL MERIDIAN COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF LOT 7 IN LUNN'S SUBDIVISION, AFORESAID AND THE EAST LINE OF LOT 6 IN LUNN'S SUBDIVISION, RUNNING THENCE EAST ON THE NORTH LINE OF LOT 7, 33 FEET; THENCE NORTHERLY ON A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 6 TO THE SOUTH LINE OF OGDEN AVENUE; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF OGDEN AVENUE TO ITS INTERSECTION WITH THE SOUTHEAST LINE OF LOT 6; THENCE SOUTHERLY ALONG SAID EAST LINE OF LOT 6 TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOT 5 OF LUNN'S SUBDIVISION OF 2 1/2 ACRES OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART DESCRIBED AS FOLLOWS: FROM THE INTERSECTION OF THE SOUTH LINE OF LUNN'S SUBDIVISION AND THE SOUTHERLY LINE OF OGDEN AVENUE MEASURE NORTHEAST ALONG SOUTHERLY LINE OF OGDEN AVENUE, 56.25 FEET TO THE POINT OF BEGINNING; THENCE NORTHEAST ON SOUTHERLY LINE OF OGDEN AVENUE 33.20 FEET; THENCE DEFLECT 89 DEGREES 15 MINUTES RIGHT, 42.1 FEET; THENCE DEFLECT LEFT 6 DEGREES 06 MINUTES, A DISTANCE OF 24.35 FEET; THENCE DEFLECT LEFT 42 DEGREES 19 MINUTES A DISTANCE OF 21.75 FEET; THENCE DEFLECT 6 DEGREES 40 MINUTES RIGHT, 23.45 FEET WHICH LINE IS 7.5 FEET NORTH OF AND PARALLEL TO THE NORTH FACE OF CONCRETE GARAGE; THENCE DEFLECT 90 DEGREES 47 MINUTES RIGHT 26.3 FEET (WHICH LINE IS 3.0 FEET EAST AND PARALLEL TO THE EAST FACE OF CONCRETE GARAGE) TO A POINT IN THE

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SOUTH LINE OF LUNN'S SUBDIVISION WHICH IS 156.60 FEET EAST OF THE SOUTHWEST CORNER OF LOT 4 IN LUNN'S SUBDIVISION; THENCE DEFLECT 89 DEGREES 6 MINUTES RIGHT ALONG THE SOUTH LINE OF LUNN'S SUBDIVISION 71.6 FEET; THENCE DEFLECT 41 DEGREES 26 1/2 MINUTES RIGHT, A DISTANCE OF 62.73 FEET, ALONG THE WESTERLY LINE OF LOT 5 TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO THAT PART OF LOT 5 OF LUNN'S SUBDIVISION OF 2 1/2 ACRES IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: FROM THE INTERSECTION OF THE SOUTH LINE OF LUNN'S SUBDIVISION AND THE SOUTHERLY LINE OF OGDEN AVENUE MEASURE NORTHEAST ALONG SOUTHERLY LINE OF OGDEN AVENUE, 56.25 FEET TO THE POINT OF BEGINNING; THENCE NORTHEAST ON SOUTHERLY LINE OF OGDEN AVENUE 33.20 FEET; THENCE DEFLECT 89 DEGREES 15 MINUTES RIGHT, 42.1 FEET; THENCE DEFLECT LEFT 6 DEGREES 06 MINUTES, A DISTANCE OF 24.35 FEET; THENCE DEFLECT LEFT 42 DEGREES 19 MINUTES A DISTANCE OF 21.75 FEET; THENCE DEFLECT 6 DEGREES 40 MINUTES RIGHT, 23.45 FEET WHICH LINE IS 7.5 FEET NORTH OF AND PARALLEL TO THE NORTH FACE OF CONCRETE GARAGE; THENCE DEFLECT 90 DEGREES 47 MINUTES RIGHT 26.3 FEET (WHICH LINE IS 3.0 FEET EAST AND PARALLEL TO THE EAST FACE OF CONCRETE GARAGE) TO A POINT IN THE SOUTH LINE OF LUNN'S SUBDIVISION WHICH IS 156.60 FEET EAST OF THE SOUTHWEST CORNER OF LOT 4 IN LUNN'S SUBDIVISION, THENCE DEFLECT 89 DEGREES 6 MINUTES RIGHT ALONG THE SOUTH LINE OF LUNN'S SUBDIVISION 71.6 FEET; THENCE DEFLECT 41 DEGREES 26 1/2 MINUTES RIGHT, A DISTANCE OF 62.73 FEET, ALONG THE WESTERLY LINE OF LOT 5 TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS."; and

on page 16, line 29, by deleting "7-103.128,"; and  
on page 33, by deleting lines 19 through 33; and  
by deleting all of page 34; and  
on page 35, by deleting lines 1 through 24.

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3619**, as amended, was returned to the order of third reading.

#### LEGISLATIVE MEASURES FILED

The following Conference Committee Reports have been filed with the Secretary, and referred to the Committee on Rules:

First Conference Committee Report to Senate Bill 168  
First Conference Committee Report to House Bill 557

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 4659

#### CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Rauschenberger moved that **House Joint Resolution No. 19**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Rauschenberger offered the following amendment and moved its adoption:

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#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Joint Resolution 19 on page 2, lines 6 and 9, by replacing "1999" each time it appears with "2001".

The motion prevailed.

And the amendment was adopted.

Senator Rauschenberger moved that **House Joint Resolution No. 19**, as amended, be adopted.

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence in the Senate Amendment adopted thereto.

Senator Cronin moved that **Senate Joint Resolution No. 74**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Floor Amendment No. 1 was tabled in the Committee on Education by

the Sponsor.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Joint Resolution 74 by replacing lines 7 through 13 with the following:

"RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, That the request made by Medinah SD 11 - DuPage with respect to parent-teacher conferences, identified in the report filed by the State Board of Education as request WM100-1546 is disapproved; and be it further

RESOLVED, That the request made by Robein SD 85 - Tazewell with respect to school improvement/in-service training, identified in the report filed by the State Board of Education as request WM100-1621, is disapproved; and be it further

RESOLVED, That the request made by North Pekin - Marquette Heights SD 102 - Tazewell with respect to non-resident tuition, identified in the report filed by the State Board of Education as request WM100-1460, is disapproved.".

The motion prevailed.

And the amendment was adopted.

Senator Cronin moved that **Senate Joint Resolution No. 74**, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard

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Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.

Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

#### **COMMITTEE MEETING ANNOUNCEMENT**

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions announced that the Insurance and Pensions Committee will meet today in Room 212, Capitol Building, at 2:00 o'clock p.m.

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## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

Senator Syverson, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on House Amendment No. 1 to **Senate Bill No. 487**, submitted the following Report of the First Conference Committee and moved its adoption:

### 91ST GENERAL ASSEMBLY CONFERENCE COMMITTEE REPORT ON SENATE BILL 487

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 487, recommend the following:

(1) that the House recede from House Amendment No. 1; and

(2) that Senate Bill 487 be amended by replacing the title with the following:

"AN ACT to amend the Illinois Roofing Industry Licensing Act."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Roofing Industry Licensing Act is amended by changing Sections 2, 3, 9.2, 9.4, 9.5, 9.10, 9.14, 10, and 11.5 and adding Sections 3.2, 3.5, 4.5, and 5.5 as follows:

(225 ILCS 335/2) (from Ch. 111, par. 7502)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Licensure" means the act of obtaining or holding a license issued by the Department as provided in this Act.

(b) "Department" means the Department of Professional Regulation.

(c) "Director" means the Director of Professional Regulation.

(d) "Person" means any individual, partnership, corporation, business trust, limited liability company, or other legal entity.

(e) "Roofing contractor" is one whose services are unlimited in the roofing trade and who has the experience, knowledge and skill to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, but does not include such contractor's employees to the extent the requirements of Section 3 of this Act apply and extend to such employees.

(f) "Board" means the Roofing Advisory Board.

(g) "Qualifying party" means the individual filing as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing operations, and is actively engaged in day to day activities of the business organization.

(h) "Limited roofing license" means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of 8 units or less.

(i) "Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial

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properties.

(Source: P.A. 89-387, eff. 1-1-96; 89-594, eff. 8-1-96; 90-55, eff. 1-1-98.)

(225 ILCS 335/3) (from Ch. 111, par. 7503)

Sec. 3. Application for license.

(1) To obtain a license, an applicant must indicate if the license is sought for a sole proprietorship, partnership, corporation, business trust, or other legal entity and whether the application is for a limited or unlimited roofing license. If the license is sought for a sole proprietorship, the license shall be issued to the proprietor who shall also be designated as the qualifying party. If the license is sought for a partnership, corporation, business trust, or other legal entity, the license shall be issued in the company name. A company must designate one individual who will serve as a qualifying party. The qualifying party is the individual who must take the examination required under Section 3.5. The company shall submit an application in writing to the Department on a form containing the information prescribed by the Department and accompanied by the fee fixed by the Department. The application shall include, but shall not be limited to:

(a) the name and address of the person designated as the qualifying party responsible for the practice of professional roofing in Illinois;

(b) the name of the proprietorship and its proprietor, the name of the partnership and its partners, the name of the corporation and its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members;

(c) evidence of compliance with any statutory requirements pertaining to such legal entity, including compliance with any laws pertaining to the use of fictitious names, if a fictitious name is used; if the business is a sole proprietorship and doing business under a name other than that of the individual proprietor, the individual proprietor must list all business names used for that proprietorship.

(1.5) A certificate issued by the Department before the effective date of this amendatory Act of the 91st General Assembly shall be deemed a license for the purposes of this Act. ~~To obtain a certificate, an applicant shall submit an application in writing to the Department on a form containing the information prescribed by the Department and accompanied by the fee fixed by the Department.~~

(2) An applicant for a license ~~certificate~~ must submit satisfactory evidence that:

(a) he or she has obtained public liability and property damage insurance in such amounts and under such circumstances as may be determined by the Department;

(b) he or she has obtained Workers' Compensation insurance covering his or her employees or is approved as a self-insurer of



Workers' Compensation in accordance with Illinois law;

(c) he or she has an Illinois Unemployment Insurance employer identification number or has proof of application to the Illinois Department of Labor for such an identification number;

(d) he or she has submitted a 2-year bond to the Department in the amount of \$10,000 for a limited license and in the amount of \$25,000 for an unlimited license; and ~~\$5,000.~~

(e) a qualifying party has satisfactorily completed the examination required under Section 3.5.

(3) It is the responsibility of the licensee to provide to the Department notice in writing of any changes in the information required to be provided on the application.

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(4) All roofing contractors must designate a qualifying party and otherwise achieve compliance with this Act no later than July 1, 2001 or his or her license will automatically expire on July 1, 2001. (Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/3.2 new)

Sec. 3.2. Bond. Before issuing or renewing a license, the Department shall require each applicant or licensee to file and maintain in force a surety bond, issued by an insurance company authorized to transact fidelity and surety business in the State of Illinois. The bond shall be continuous in form and run concurrently with the original and each renewal license period, unless terminated by the insurance company. An insurance company may terminate a bond and avoid further liability by filing a 60-day notice of termination with the Department and, at the same time, sending the notice to the roofing contractor. A license shall be suspended on the termination date of the roofing contractor's bond, unless a new bond is filed with the Department to become effective at the termination date of the prior bond. If a license has been suspended under this Section, the license shall be reinstated upon showing proof of compliance with this Section.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/3.5 new)

Sec. 3.5. Examination.

(a) The Department shall authorize examinations for applicants for initial licenses at least 4 times each year at the time and place it may designate. The examinations shall be of a character to fairly test the competence and qualifications of applicants to act as roofing contractors. Applicants for limited licenses shall take an examination, the technical portion of which shall cover residential roofing practices. Applicants for an unlimited license shall take an examination, the technical portion of which shall cover residential, commercial, and industrial roofing practices.

(b) Applicants for examination shall pay, either to the Department or the designated testing service, a fee established by the Department to cover the cost of providing the examination. Failure of the applicant to appear for the examination on the scheduled date at the time and place specified after his or her application for examination has been received and acknowledged by the Department or the designated testing service shall result in

forfeiture of the examination fee.

(c) A person who has a license as described in subsection (1.5) of Section 3 is exempt from the examination requirement of this Section, so long as (1) the license continues to be valid and is renewed before expiration and (2) the person is not newly designated as a qualifying party after July 1, 2001. An applicant for a new license must pass an examination authorized by the Department before being issued a license.

If an applicant fails to pass an examination for licensure under this Act within 3 years after filing an application, the application shall be denied. However, such applicant may reapply for an examination on payment of the required fee.

(225 ILCS 335/4.5 new)

Sec. 4.5. Duties of qualifying party; replacement. While engaged as a qualifying party for a licensee, a person shall not take other employment that would conflict with his or her duties as a qualifying party or conflict with his or her ability to adequately supervise the work performed by the licensee. The person may act in the capacity of the qualifying party for one additional licensee if one of the following conditions exists:

(1) There is a common ownership of at least 25% of each

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licensed entity for which the person acts as a qualifying party.

(2) The same person acts as a qualifying party for one licensed entity and its licensed subsidiary.

"Subsidiary" as used in this Section means a corporation of which at least 25% is owned by another licensee.

In the event that a qualifying party is terminated or terminating his or her status as managing agent of a licensee, the qualifying party and the licensee shall notify the Department of that fact in writing. Thereafter, the licensee shall notify the Department of the name and address of the newly designated qualifying party. The newly designated qualifying party must take the examination prescribed in Section 3.5 of this Act. These requirements shall be met in a timely manner as established by rule of the Department.

(225 ILCS 335/5.5 new)

Sec. 5.5. Contracts. A roofing contractor, when signing a contract, must provide a land-based phone number and a street address other than a post office box at which he or she may be contacted.

(225 ILCS 335/9.2) (from Ch. 111, par. 7509.2)

Sec. 9.2. Stenographer; record of proceedings. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings initiated pursuant to this Act, the rules for the administration of this Act, or any other Act or rules relating to this Act and proceedings for restoration of any license issued under this Act. The notice of hearing, complaint, answer, and all other documents in the nature of pleadings and written motions and responses filed in the proceedings, the transcript of the testimony, all exhibits admitted into evidence, the report of the hearing officer, the Board's findings of fact, conclusions of law, and recommendations to the Director, and the order shall be the record of the proceedings. The Department shall

furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115). ~~The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer and order of the Department shall be the record of such proceeding. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 335/9.4) (from Ch. 111, par. 7509.4)

Sec. 9.4. The Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition or both, or to subpoena documents, exhibits, or other materials with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Director and any member of the Roofing Advisory Board have power to administer oaths to witnesses at any hearing that the Department or Roofing Advisory Board is authorized by law to conduct. Further, the Director has power to administer any other oaths required or authorized to be administered by the Department under this Act.

~~The Director and the hearing officer have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct under this Act, and any other oaths required or authorized~~

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~~to be administered by the Department under this Act.~~

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/9.5) (from Ch. 111, par. 7509.5)

Sec. 9.5. Findings of fact, conclusions of law, and recommendations; order. Within 30 days of the Department's receipt of the transcript of any hearing that is conducted pursuant to this Act or the rules for its enforcement or any other statute or rule requiring a hearing under this Act or the rules for its enforcement, or for any hearing related to restoration of any license issued pursuant to this Act, the hearing officer shall submit his or her written findings and recommendations to the Roofing Advisory Board. The Roofing Advisory Board shall review the report of the hearing officer and shall present its findings of fact, conclusions of law, and recommendations to the Director by the date of the Board's second meeting following the Board's receipt of the hearing officer's report.

A copy of the findings of fact, conclusions of law, and recommendations to the Director shall be served upon the accused person, either personally or by registered or certified mail. Within 20 days after service, the accused person may present to the Department a written motion for a rehearing, which shall state the

particular grounds therefor. If the accused person orders and pays for a transcript pursuant to Section 9.2, the time elapsing thereafter and before the transcript is ready for delivery to him or her shall not be counted as part of the 20 days.

The Director shall issue an order based on the findings of fact, conclusions of law, and recommendations to the Director of the Board. If the Director disagrees in any regard with the findings of fact, conclusions of law, and recommendations to the Director, he may issue an order in contravention of the findings of fact, conclusions of law, and recommendations to the Director.

If the Director issues an order in contravention of the findings of fact, conclusions of law, and recommendations to the Director of the Board, the Director shall notify the Board in writing with an explanation for any deviation from the Board's findings of fact, conclusions of law, and recommendations to the Director within 30 days of the Director's entry of the order. At the conclusion of the hearing the hearing officer shall present to the Director a written report of his findings of fact, conclusions of law and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The hearing officer shall specify the nature of the violation or failure to comply, and shall make his recommendations to the Director.

The report of findings of fact, conclusions of law and recommendations of the hearing officer shall be the basis for the Department's order. If the Director disagrees in any regard with the report of the hearing officer, the Director may issue an order in contravention to the report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 86-615.)

(225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

Sec. 9.10. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. If the check or other payment was for a renewal or issuance fee and that person practices without

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paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for a new ~~restoration or~~

~~issuance of the license and pay all the application fees as set by rule that are fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.~~

(Source: P.A. 90-55, eff. 1-1-98.)

(225 ILCS 335/9.14) (from Ch. 111, par. 7509.14)

Sec. 9.14. The Director has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer for any action for refusal to issue or renew a license, for or discipline of a licensee for sanctions for unlicensed practice, for restoration of a license, or for any other action for which findings of fact, conclusions of law, and recommendations are required pursuant to Section 9.5 of this Act. ~~The hearing officer shall have full authority to conduct the hearing and shall issue his or her findings of fact and recommendations to the Board pursuant to Sections 9.5 of this Act. The hearing officer has full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Director. The Director shall issue an order based on the report of the hearing officer. If the Director disagrees in any regard with the hearing officer's report, he may issue an order in contravention of the hearing officer's report.~~

(Source: P.A. 86-615.)

(225 ILCS 335/10) (from Ch. 111, par. 7510)

Sec. 10. Enforcement; petition to court.

(1) If any person violates the provisions of this Act, the Director through the Attorney General of Illinois, or the State's Attorney of any county in which a violation is alleged to exist, may in the name of the People of the State of Illinois petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court.

(2) If any person shall practice as a licensee or hold himself or herself out as a licensee without being licensed under the provisions of this Act, then any person licensed under this Act, any interested party or any person injured thereby may, in addition to those officers identified in subsection (1) of this Section, petition for relief as provided therein.

(3) Whenever the Department has reason to believe that any person has violated the licensing requirements of this Act by practicing, offering to practice, attempting to practice, or holding

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himself or herself out to practice roofing without being licensed under this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person.

The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(4) (3) Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties which may be provided by law.

(Source: P.A. 90-55, eff. 1-1-98.)

(225 ILCS 335/11.5)

Sec. 11.5. The Roofing Advisory Board is created and shall consist of 7 persons, 6 of whom shall have been issued certificates of registration as roofing contractors by the Department, one of whom represents a statewide association representing home builders, and one of whom and one who is a knowledgeable public member. The public member shall not be licensed under this Act or any other Act the Department administers. Each member shall be appointed by the Director. Members shall be appointed who reasonably represent the different geographic areas of the State.

Members of the Roofing Advisory Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Roofing Advisory Board.

~~The Director shall consider the advice and recommendations of the Board. The Director shall notify the Board in writing with an explanation of any deviation from the Board's written recommendation or response. After review of the Director's written explanation of the reasons for deviation, the Board shall have the opportunity to comment upon the Director's decision.~~

The persons appointed shall hold office for 4 years and until a successor is appointed and qualified. The initial terms shall begin July 1, 1997. Of the members of the Board first appointed, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and 3 shall be appointed to serve for 4 years. No member shall serve more than 2 complete 4 year terms.

Within 90 days of a vacancy occurring, the Director shall fill the vacancy for the unexpired portion of the term with an appointee who meets the same qualifications as the person whose position has become vacant. The Board shall meet annually to elect one member as chairman and one member as vice-chairman. No officer shall be elected more than twice in succession to the same office. The members of the Board shall receive reimbursement for actual, necessary, and authorized expenses incurred in attending the meetings of the Board.

(Source: P.A. 89-594, eff. 8-1-96.)

(225 ILCS 335/4 rep.)

Section 10. The Illinois Roofing Industry Licensing Act is amended by repealing Section 4.

Section 99. Effective date. This Act takes effect upon becoming law."

Submitted on November 29, 2000

s/Sen. Dave Syverson  
s/Sen. Christine Radogno  
Sen. J. Bradley Burzynski  
s/Sen. Rickey Hendon  
s/Sen. Antonio Munoz

Rep. Daniel J. Burke  
s/Rep. Barbara Flynn Currie  
s/Rep. Mary K. O'Brien  
Rep. Art Tenhouse  
s/Rep. Angelo "Skip" Saviano

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Committee for the Senate

Committee for the House

And on that motion, a call of the roll was had resulting as follows:

Yeas 8; Nays 28; Present 17.

The following voted in the affirmative:

Bomke  
Luechtefeld  
Madigan, R.  
Myers  
Rauschenberger  
Ronen  
Welch  
Mr. President

The following voted in the negative:

del Valle  
Demuzio  
Geo-Karis  
Halvorson  
Hendon  
Jones, W.  
Klemm  
Link  
Mahar  
Molaro  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Shadid  
Shaw  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, T.  
Watson  
Weaver

The following voted present:

Bowles

Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
Dillard  
Donahue  
Dudycz  
Hawkinson

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Jacobs  
Jones, E.  
Karpiel  
Lauzen  
Roskam  
Sieben  
Walsh, L.

The motion lost.

Senator L. Madigan asked and obtained unanimous consent for the Journal to reflect her negative vote on the **First Conference Committee Report to Senate Bill No. 487**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to adopt the First Conference Committee Report on SENATE BILL NO. 487 and requests a Second Committee of Conference to consider the differences between the two Houses in regards to Amendment No. 1.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Burke, Currie, O'Brien; Tenhouse and Saviano.

Action taken by the House, November 29, 2000.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Watson, the foregoing message from the House of Representatives, requesting a Second Conference Committee be appointed to consider the differences between the two Houses in regard to House Amendment No. 1 to **Senate Bill No. 487**, was taken up for immediate consideration.

Senator Watson moved that the Senate accede to the request of the House of Representatives for a Second Committee of Conference to adjust the differences arising between the two Houses on House Amendment No. 1 to Senate Bill No. 487.

The motion prevailed.



The President appointed as such Committee on the part of the Senate, the following: Senators Burzynski, Radogno, Syverson, Hendon and Munoz.

Ordered that the Secretary inform the House of Representatives thereof.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL  
ON SECRETARY'S DESK**

On motion of Senator Myers, **Senate Bill No. 1281**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Myers moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

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The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz

Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

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And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1281**.

Ordered that the Secretary inform the House of Representatives thereof.

#### **REPORTS FROM RULES COMMITTEE**

Senator Weaver, Chairperson of the Committee on Rules, during its November 29, 2000 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Amendment No. 1 to House Bill 4659.**

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

First Conference Committee Report to Senate Bill 168

The foregoing conference committee report was placed on the Senate Calendar.

Senator Weaver, Chairperson of the Committee on Rules, reported that the Committee recommends that **Senate Joint Resolution No. 77** having been assigned to the Committee on Environment and Energy be re-referred from the Committee on Environment and Energy to the Committee on Rules and has been approved for consideration by the Rules Committee and referred to the Senate floor for consideration.

Under the rules, the resolution was placed on the order of Secretary's Desk Resolutions.

#### **COMMITTEE MEETING ANNOUNCEMENT**

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212, Capitol Building, at 3:10 o'clock p.m.

#### **READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Radogno, **House Bill No. 4347** was taken up, read by title a second time and ordered to a third reading.

#### **PRESENTATION OF RESOLUTIONS**

##### **SENATE RESOLUTION NO. 458**

Offered by Senator E. Jones, Demuzio and all Senators:  
Mourns the death of Mary Hoffman of Belleville.

##### **SENATE RESOLUTION NO. 459**

Offered by Senator Sullivan and all Senators:  
Mourns the death of Hank Friedrichs of Mt. Prospect.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

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Senator Philip offered the following Senate Resolution, which was referred to the Committee on Rules:

##### **SENATE RESOLUTION NO. 460**

WHEREAS, With more than 2,100 community pharmacies in the State, community pharmacies constitute a substantial industry in the State of Illinois; and

WHEREAS, Community pharmacies employ more than 125,000 persons in the State of Illinois; and

WHEREAS, Community pharmacies pay more than \$1.2 billion annually in State taxes; and

WHEREAS, Community pharmacies are a critical part of the health care delivery network in the State of Illinois; and

WHEREAS, Community pharmacies provide critical prescription services to Medicaid beneficiaries and other indigent persons; and

WHEREAS, The cost of acquiring drugs from pharmaceutical manufacturers has increased 99.4% over the past 5 years; and

WHEREAS, The continuing shortage of pharmacists have caused their salaries to increase continuously over the same period; and

WHEREAS, In recent years the dispensing fee paid by the State of Illinois has decreased by 3.6% as a portion of major Medicaid cost components; and

WHEREAS, The Department of Public Aid recently announced its intention to reduce reimbursement for pharmacy services provided to Medicaid beneficiaries by more than \$85 million over the next 19 months; and

WHEREAS, The proposed reductions would undermine the ability of community pharmacies to provide high quality and efficient care to their patients; and

WHEREAS, The Department of Public Aid has proposed to implement these reductions without conducting a study concerning the adequacy of the proposed reimbursement rates, as required by federal law; and

WHEREAS, The Department of Public Aid has proposed to implement these reductions in pharmacy reimbursement as emergency rules, thereby eliminating legislative oversight by the Joint Committee on Administrative Rules for at least 150 days; and

WHEREAS, The Department of Public Aid proposes to implement these emergency rules at a time immediately following a working session of the General Assembly, thereby ignoring an opportunity for the General Assembly's insight into budgetary priorities; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Department of Public Aid is strongly urged to refrain (1) from imposing any reductions in reimbursement under the Medicaid program for pharmacy services without first completing the federally-mandated study of pharmacy costs in a full, fair, and impartial manner, and (2) from implementing any pharmacy rate reductions in the form of emergency rules or by any other method without first consulting the General Assembly; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Director of Public Aid and the Office of the Governor of the State of Illinois.

At the hour of 2:13 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### **AFTER RECESS**

At the hour of 4:25 o'clock p.m., the Senate resumed consideration of business.

[Nov. 29, 2000]

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Senator Weaver, presiding.

#### **REPORTS FROM STANDING COMMITTEES**

Senator Klemm, Chairperson of the Committee on Executive to which

was referred **Senate floor Amendment No. 1 to House Bill No. 4659**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions, to which was referred the **Motion to concur with House Amendment No. 2 to Senate Bill No. 851**, reported the same back with the recommendation that the motion be adopted.

Under the rules, the foregoing motion is eligible for consideration by the Senate.

#### **LEGISLATIVE MEASURE FILED**

The following Conference Committee Report has been filed with the Secretary, and referred to the Committee on Rules:

Second Conference Committee Report to Senate Bill 487

At the hour of 4:26 o'clock p.m., on motion of Senator Hawkinson, the Senate stood adjourned until Thursday, November 30, 2000 at 9:00 o'clock a.m.